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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 15 2004

at 9 o'clock and 41 min. M.
WALTER A.Y.H. CHINN, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA)	MAG. NO. 04-222 BMK
)	
Plaintiff,)	MOTION TO DETAIN DEFENDANT
)	WITHOUT BAIL
vs.)	
)	
DAVID ELLIOT,)	
)	
Defendant.)	
)	

MOTION TO DETAIN DEFENDANT WITHOUT BAIL

The United States hereby moves to detain Defendant
without bail, pursuant to 18 U.S.C. Section 3142.

1. **Eligibility Of Case.** This Defendant is eligible
for detention because the case involves (check all that apply):

_____ a. Offense committed on release pending felony
trial (3142(d)(1)(A)(i)) *

- ☐ b. Offense committed on release pending imposition, execution, or appeal of sentence, conviction or completion of sentence (3142(d)(1)(A)(ii))*
 - ☐ c. Offense committed while on probation or parole (3142(d)(1)(A)(iii))*
 - ☐ d. A citizen of a foreign country or unlawfully admitted person (3142(d)(1)(B))*
 - ☐ e. Crime of violence (3142(f)(1)(A))
 - ☐ f. Maximum sentence life imprisonment or death (3142(f)(1)(B))
 - ☐ g. 10+ year drug offense (3142(f)(1)(C))
 - ☐ h. Felony, with two prior convictions in above categories (3142(f)(1)(D))
 - ☒ i. Serious risk Defendant will flee (3142(f)(2)(A))
 - ☒ j. Danger to other person or community **
 - ☐ k. Serious risk obstruction of justice (3142(f)(2)(B))
 - ☐ l. Serious risk threat, injury, intimidation of prospective witness or juror (3142(f)(2)(B))
- * requires "i" or "j" additionally
** requires "a", "b", "c", or "d" additionally

2. Reason For Detention. The Court should detain

Defendant (check all that apply):

- ☒ a. Because there is no condition or combination of conditions of release which will reasonably assure Defendant's appearance as required (3142(e))

- ☒ **b.** Because there is no condition or combination of conditions of release which will reasonably assure the safety of any other person and the community (3142(e))
- ☐ **c.** Pending notification of appropriate Court or official (not more than 10 working days (3142(d)))

3. **Rebuttable Presumption.** The United States will not invoke the rebuttable presumption against Defendant under Section 3142(e). If invoked, the presumption applies because (check all that apply):

- ☐ **a.** Probable cause to believe Defendant committed 10+ year drug offense
- ☐ **b.** Probable cause to believe Defendant committed an offense under 18 U.S.C. § 924(c)
- ☐ **c.** Previous conviction for eligible offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests that the Court conduct the Detention Hearing:

- ☐ **a.** At first appearance
- ☒ **b.** After continuance of 3 days (not more than 3 days)

5. **Rule 40 Cases.** The United States requests that the Detention Hearing be held:

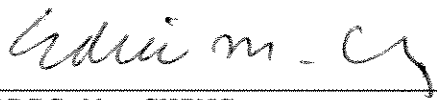
- ☐ **a.** In the District of Hawaii
- ☐ **b.** In the District where charges were filed

6. Other Matters. None at this time.

DATED: March 15, 2004, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By



EDRIC M. CHING
Assistant U.S. Attorney